

March 5, 2010

Mr. and Mrs. Terry W. Floyd
515 Timber Ridge Road
Marble Falls, Texas 78654

Texas Commission on Environmental Quality – Chief Clerk
ATTN: Agenda Docket Clerk, Mail Code 105
P.O. Box 13087
Austin, Texas 78711-3087

TO: Chief Clerk of TCEQ
RE: Docket No. 2009-1832-DIS, Internal Control No. 06242009-D01, Backbone Creek
Municipal Utility District 1; Request for contested case hearing.

This letter will seek to prove that I, as landowner with two residential wells approximately 900 feet away from Cactus Canyon Quarry, am justifiably and reasonably concerned that the pumping out of the quarry hole lake on Cactus Canyon Quarry property for off-site commercial sale will affect my domestic wells in either quality or quantity is foreseeable, thus giving me a justiciable interest in the proposed MUD application. This proposed MUD will not serve any existing residential or agricultural constituency. Indeed, the majority of the neighboring property owners are opposed to such an enterprise. The water well driller associated over 30 years with this area (having drilled approximately 40 of the surrounding wells has personally stated to me that it is his belief that a commercial pumping of the open quarry hole on Cactus Canyon Quarries property, i.e. the applicant's proposed MUD, will adversely affect the levels of water in my 80 feet deep well which was completed in the granite formation.

I am asking that the Commissioners require the Backbone Creek MUD applicant to undertake all the studies necessary to prove to my satisfaction that the water in my neighboring residential wells would be unaffected in quantity or quality by any such actions as pumping (selling) water to commercial off-site users BEFORE the Commissioners take any action on the MUD application.

I wish to hereby formally request a "Contested Case Hearing" concerning the proposed Backbone Creek Municipal Utility District referenced above by Docket and Internal Control Nos.

I feel that any less than thorough and impartial professional research would be irresponsible and put my family at serious risk during this time of extreme drought. I

cannot consider an Engineering study undertaken on behalf of, and paid for by the applicant, to be thorough and impartial research. I have not been made familiar with such a report cited as the report contained in Tab 5 of application, referred to as Engineer's TAC Ch.293B Narrative.

It must also be noted that applicant's reference to historical uses of his open quarry hole water include agricultural and mining support, and in fact, over the last fifty years relatively little water has been used. In fact applicant does not own all the water rights to the quarry hole he purports to own, according to Burnet County Commissioners. For the last fifty years no quarrying has been done at Cactus Canyon because of the flooded quarry hole in question. Historically, there were virtually no neighboring wells, as most of the land was owned or leased by fairly large ranching concerns, with few residences. Since about 1980 the population density has increased dramatically with Timber Ridge Subdivision off of Co Rd 121, as well as new housing developments off of Co Rd 120. This historic situation would pose very little risk of adversely affecting neighboring wells, very unlike the prospect of an MUD's large commercial water sales to an off-site quarry operation.

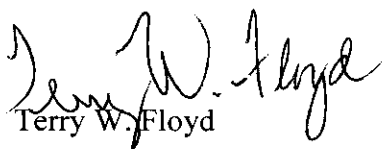
I only object to commercial, off-site sale of water – applicant does not need an MUD for on-site use of his water to continue the “historic” support of agriculture and mining he cites as his only uses over the last fifty years..

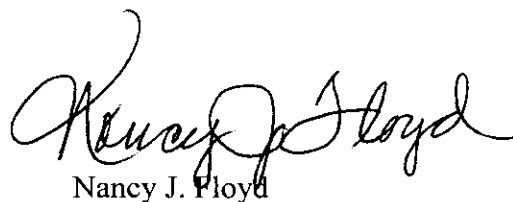
Applicant has stated to me personally that he wished to avoid CTGWD control of his water resource, and in the past Mr. Carson sought to gain an easement through our subdivision to pipe and sell water to other quarry operations by means of an MUD.

Please honor my request to be a part of any contested case hearing regarding the formation of proposed Backbone Creek Municipal Utility District No. 1.

My contact information is: (Mr. and) Mrs. Terry Floyd, residing at 515 Timber Ridge Road, Marble Falls, Texas 78654. My daytime (cell) telephone number is: (830) 265-7476.

Sincerely,


Terry W. Floyd


Nancy J. Floyd